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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

**999 18<sup>TH</sup> STREET - SUITE 500**

**DENVER, CO 80202-2466**

**<http://www.epa.gov/region08>**

Ref: EPR-ER

December 6, 2000

Mel and Lerah Parker  
P.O. Box 609  
Libby, MT 59923

Dear Mel and Lerah,

Thank you for your November 10, 2000 letter documenting your concerns related to the former W.R. Grace Screening plant operations, and your personal property located off Highway 37, near Raney Creek Road. It has been a difficult year since the EPA first began investigating the asbestos problems in Libby, and on your property. Your patience and cooperation with the EPA in the conduct of the project has been most helpful. I am confident that we will eventually complete the clean-up and resolve all outstanding issues. Please be assured that both the Environmental Protection Agency (EPA) and the John A. Volpe Center are aware of, and are currently addressing the issues you outlined in your letter. Below is an update on where we are in regards to the concerns you raised. To simplify matters, this letter outlines your concerns using the same numbering and lettering system you used in your letter.

- 1) Both the EPA and the Volpe Center have been working extensively on finalizing all issues relating to reimbursement of all damaged, stolen and storage of all items. EPA believes to expedite this issue, representatives of EPA, Marco, Volpe Center and you should meet to develop a thorough list of all items. Once this list is finalized and an agreed reimbursement cost is established, you will be reimbursed. It is the EPA's understanding that the list of lost and/or damaged items is completely independent from the "inventory list," and as such will be handled separately. Although I think it is unlikely, to avoid any possible duplication we will double check the inventory list, and if any items are found to be double counted, then it will be removed from the inventory list.
  - a) Security of your property is of major concern for all of us involved. As you mention in your letter, we have located storage bins on the temporary relocation property, and believe they are of sufficient size to house and securely protect you property. Please let me know if there are any problems outstanding regarding the move and storage of your property.



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- b) Over the last few weeks, Paul Kudarauskas of the Volpe Center has developed a list of what the EPA believes is all the damaged or stolen property. The Volpe Center has started processing this information for payment. If there are any items that are missing from the list, please contact me and we will resolve the matter. It is the EPA's to fully reimburse you for all items lost or damaged as a result of our actions.
- 2) As EPA has discussed with you in the past, security of your land and your property will be established prior to a winter shutdown. Either Marcor can cover the cost of a liability insurance policy, or if easier, we can reimburse you for the extra cost of insurance during the shutdown. This policy will cover general liability for any non-government, non-contractor personnel who may enter the property during the shutdown. As was the case during the excavations this summer, the EPA and/or Marcor will provide coverage for their respective employees who enter the property over the winter to perform maintenance or inspection activities. As to security, the property has been fenced, and warning signs posted. The EPA has made arrangements for periodic inspections of the property that will include the fence, gates, and other potential access points.
- 3) EPA believes protection of these infrastructures has been taken care of by Marcor prior to winter shutdown. EPA, Volpe, and Lerah conducted a walk through inspection the week of November 27, 2000. At this time we believe the property to be in good shape for the winter. If you feel there are any outstanding issues please contact me as soon as possible.
- 4) Please be assured that the two large gates which you mention in your letter will be saved and protected from damage. Any damage to these gates will be considered for reimbursement. Please assume this letter to be your signed written assurance that EPA will save and protect the two large gates at the entrance of the property.
- 5) All infrastructures (e.g, irrigation lines, water and electrical lines, pumps etc.) that were in place prior to demolition will be replaced. EPA is currently assessing products, cost and contractors, as well as establishing dates to have these items completed prior to completion of restoration next year. Please consider this signed letter your assurance that all infrastructures in place prior to demolition will be replaced prior to final restoration of your property.
- 6) As you mention in your letter, the EPA has agreed to delete the cost of the fence replacement on the property from the final "real property" reimburse. As you requested, a 6' high chain link fence will be installed on the property during final restoration efforts in 2001. The cost of this fence will be subtracted from the final "real property" reimbursement to you.
- 7) The value for the paved areas destroyed during the cleanup will be included in the estimates of "real property" reimbursements cost. It is EPA's intent to replace some of

lost areas with gravel roads in conjunction with your wishes in terms of road placements. The value of these gravel roads installed as part of restoration will be subtracted from value of the paved areas lost and the net value will be included as part of the bases as compensation of the base settlement package.

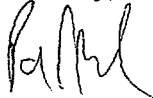
- 8) As you mention in your letter, current site conditions and weather conditions will not warrant the placement of the 123 balled and burlapped trees that are to be shipped to the site. EPA will make arrangements to unload the trees once they arrive in early March or April of 2001. EPA will also make arrangements with you to determine a safe location to house these trees until site conditions permit permanent planting.
- 9) Because the equipment that you would normally use to plant the trees was contaminated it was moved to the scrap pile for disposal. Therefore, EPA will make arrangements to plant the trees as part of the overall Site restoration when conditions permit next Spring.
- 10)
  - a) The relocation of the flood plain is currently being evaluated. Once the regrading of the property has been completed, the survey for the flood plain will be completed by December 1<sup>st</sup>. This data will be compiled in format suitable for the County Sanitarian for application for final flood plain designation.
  - b) The testing needed in order for you to design and locate the septic system on the North property will be completed once the percolation tests are completed. First, for this to happen, the areas EPA agreed where the septic fields are likely to be located need to be filled to final grade with the Plum Creek (structural) fill. This will not happen until final grading is accomplished in Spring 2001. Once this is accomplished, as requested by the County sanitarian, the percolation test need to be conducted in place, separately at two and three foot depths. EPA will do these tests as soon as possible after completion of final grading and submit this data to the County Sanitarian.
  - c) For the South property, as you requested EPA intends to use the Nixon soil for subgrade fill, to be covered with an appropriate topsoil to sustain vegetation. For the roads, EPA intend to use the Plum Creek fill as base material to be capped with suitable gravel.
  - d) EPA intends to re-grade and vegetate the rip-rap areas to restore these areas. EPA has begun developing a plan for this issue, once the plan is completed EPA will make it available for your review.
  - e) Since the start of the removal action EPA has been struggling with the problem that airborne asbestos fibers where Rainy Creek road meets highway 37. It appears from our sampling that the source of the fibers are attributed to dust generated by traffic on Rainy Creek road, not from other source such as the rock pit. To date, EPA has been addressing the problem through short term solutions such as dust suppression agents and water. However, EPA realizes that a long-term solution to

this problem is needed. It is our intent to either pave or order WR Grace to pave Rainy Creek road next spring. This should abate the problem of airborne asbestos fibers from Rainy Creek road. Obviously, once this is completed EPA will conduct follow-up air sample to assure your safety and others who use the road.

- f) EPA is still in the process of evaluating the environmental dangers associated with the mine site. Much like the investigative which occurred on your property, EPA and the State will undertake an extensive investigation of the mine site area to identify all areas that need mitigation. At this time, it is too early to determine what areas will need to be addressed.
- g) EPA has sampled and characterized all common fill prior to using it as backfill on your property to ensure that it meet your specification. Subsequently, as a quality control measure, EPA sampled every 3,000 cubic yards of material. As you stated in your letter, yes the soil data will not be available till after the material has been placed. However, this process was required to schedule restrains and if a problem is identified then the situation will be rectified, i.e., any soil not meeting specifications will be removed..

I hope this answers the concerns you raised in your letter of November 10, 2000. Obviously, the other big issues center around resolving language disputes, and the dollar value for the real property portion of your reimbursement agreement. Matt Cohn has been discussing this with your attorney, and we have a contractor working on calculating the casualty replacement rates for this area. I hope that this is to be completed shortly, so we can work out the final settlement. Please feel free to call me at any time.

Sincerely,



Paul R. Peronard  
On Scene Coordinator  
Libby Asbestos Site